

**UNITED STATES DISTRICT COURT
For The
WESTERN DISTRICT OF PENNSYLVANIA**

09-72

U.S.A. vs. Burness Earl Freeman 2009 FEB 23 PM 3:00 Docket No. 99-00234-001 (MD/PA)

Petition on Supervised Release
U.S. DISTRICT COURT

COMES NOW Theodore W. Johnson, CHIEF PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Burness Earl Freeman, who was placed on supervision by the Honorable William W. Caldwell, sitting in the Court in the Middle District of Pennsylvania, at Harrisburg, Pennsylvania, on the 24th day of April 2000, who fixed the period of supervision at three years and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

- Shall pay a special assessment of \$100 and a fine of \$1,500.
- Shall report to the probation office in the district to which the defendant is released within 72 hours of release from the Bureau of Prisons.
- Shall not commit another federal, state, or local crime.
- Shall refrain from any unlawful use of a controlled substance. The defendant shall submit to 1 drug test within 15 days of release from imprisonment and at least 2 periodic tests thereafter, as directed by the probation officer.
- Shall not possess a firearm as defined in 18 U.S.C. § 921.
- Shall pay any balance of the restitution imposed by this judgment which remains unpaid at the commencement of the term of supervised release in minimum monthly installments of no less than \$50.

- 04-24-00: Conspiracy to Distribute Heroin (Count 5): Imprisoned for a total term of 120 months, to be followed by a 3-year term of supervised release.
- 00-20-08: Released from the Bureau of Prisons; Term of supervised release begins in the Western District of Pennsylvania; Currently supervised by U.S. Probation Officer Eric S. Lawson.
- 01-22-00: Jurisdiction transferred from the Middle District of Pennsylvania to the Western District of Pennsylvania;

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AND FOR CAUSE AS FOLLOWS:

Your Petitioner reports that the supervised releasee has violated the following conditions of supervised release:

The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.

Urine specimens submitted by the probationer on November 7, 2008; November 12, 2008; November 18, 2008; December 12, 2008; December 15, 2008; January 25, 2009; January 30, 2009; and February 3, 2009 tested positive for the presence of opiates. Furthermore, the probation officer obtained an observed urinalysis from the supervised releasee on February 18, 2009, and the supervised releasee was observed adding an unknown substance to the urinalysis container. Upon confrontation, he admitted that he diluted the specimen with bleach and admitted he used controlled substances. Results of that specimen and a specimen obtained at the United States Probation Office on February 20, 2009, are currently unavailable, as the specimens are pending laboratory analysis.

The defendant shall participate in a program of testing and treatment for drug abuse, as directed by the probation office, until such time he is released from the program by the probation officer.

The supervised releasee was referred for outpatient substance abuse treatment at Addiction Recovery Services on November 6, 2008. Following several positive results for opiate usage, the probation officer referred the supervised releasee to Gaudenzia, an inpatient substance abuse treatment facility located in Erie, Pennsylvania, where he resided from December 16, 2008, until January 19, 2009. Following his release from Gaudenzia, the supervised releasee was to resume outpatient substance abuse treatment services at Addiction Recovery Services on January 20, 2009, and admits that he has failed to schedule or maintain any appointments with his counselor at Addiction Recovery Services.

The releasee has signed the attached waiver form, which permits the Court to add the condition that he be required to reside at Renewal, Inc., a community confinement center located in Pittsburgh, Pennsylvania, for a period of six months, to commence as soon as possible, and that he observe the rules of that facility.

PRAYING THAT THE COURT WILL ORDER that the supervised releasee shall reside at Renewal, Inc., for a period not to exceed six months, to commence as soon as possible, and the supervised releasee shall observe the rules of that community confinement center.

I declare under penalty of perjury that the foregoing is true and correct.

Executed
on

February 20, 2009

ORDER OF COURT

Considered and ordered this 23 day of
Feb, 2009 and ordered filed and made
a part of the records in the above case.


U.S. District Judge


Eric S. Lawson
U.S. Probation Officer


Roselyn Gerson
Supervising U.S. Probation Officer

Place: Pittsburgh, Pennsylvania